

Mediation Program

United States District Court
for the Western District of Tennessee

Questionnaire for Attorneys in Mediated Cases

For evaluative purposes, the Mediation Program is interested in soliciting views of those who have participated in the program. This questionnaire asks about your experience in the case identified below. Please note, your responses are CONFIDENTIAL and will not be identified to the court, the mediator, other attorneys, or the parties. Only aggregate information about this program will be reported, and then only for administrative and evaluation purposes.

Please answer all questions with reference to case you participated in.

Case No. and Style of Case _____

_____ vs. _____

Type of Case: _____

Mediator: _____

Mediation Conference Date: _____

1. Overall, how helpful or detrimental was the mediation conference in the resolution of this case?

Please check one response.

- ☐ Very helpful.
☐ Somewhat helpful.
☐ It had little impact on the case.
☐ Somewhat detrimental.
☐ Very detrimental.

2. A mediation conference may be helpful or detrimental in a number of different ways. Please indicate whether the mediation conference was helpful or detrimental in:

Please check one response for each statement. Helpful No Effect Detrimental

a. moving the parties in this case toward settlement ☐ ☐ ☐

b. helping the parties in this case define the issues earlier than they otherwise would have. ☐ ☐ ☐

- | | | | |
|---|--------------------------|--------------------------|--------------------------|
| c. helping the parties in this case define the scope of discovery earlier than they otherwise would have. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. prompting the parties in this case to exchange essential documents earlier than they otherwise would have. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. helping you identify the strengths and weaknesses of your client's case. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. expediting the resolution of this case. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. reducing the cost to litigate this case. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. improving relationships between the parties in this case. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

If you wish, please list any other ways in which the mediation conference was helpful or detrimental.

3. Did your client's presence at the mediation conference:

Please check one.

- ☐ help the resolution of this case.
- ☐ have no effect on the resolution of this case.
- ☐ hinder the resolution of this case.

4. Was a settlement worked out at the mediation conference?

- ☐ Yes
- ☐ No

5. Approximately how many hours did the mediation conference last?

_____ hours

6. For each statement below, please indicate whether you agree or disagree.

Please check one response for each statement.

Agree

Disagree

- | | | |
|--|--------------------------|--------------------------|
| a. The mediation conference occurred too early in this case for it to be useful. | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Settlement was not a realistic goal at such an early stage in this case. | <input type="checkbox"/> | <input type="checkbox"/> |

- | | | |
|---|--------------------------|--------------------------|
| c. Settlement was not a realistic goal for this case at all. | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Additional discovery was needed to make a mediation conference useful. | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The legal issues in this case were too complex to make mediation useful. | <input type="checkbox"/> | <input type="checkbox"/> |
| f. The factual issues in this case were too complex make mediation useful. | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The mediation conference was too brief to permit a meaningful discussion of the case. | <input type="checkbox"/> | <input type="checkbox"/> |
| h. The mediation conference was duplicative of the Rule 16 scheduling conference. | <input type="checkbox"/> | <input type="checkbox"/> |
| i. The mediation conference in this case would have have been more effective if a judge had presided. | <input type="checkbox"/> | <input type="checkbox"/> |

7. For each statement below, please indicate whether or not it describes this case.

- | | | |
|---|--------------------------|--------------------------|
| <i>Please check one response for each statement.</i> | <u>Describes</u> | <u>Does not Describe</u> |
| a. The mediator was adequately prepared to discuss the case with the parties. | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The mediator was effective in getting the parties to engage in meaningful discussion of this case. | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The mediator was fair and impartial. | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The procedures used in the mediation conference were fair. | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Some attorneys were not well prepared for the mediation conference. | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Some parties did not participate in good faith in the mediation conference. | <input type="checkbox"/> | <input type="checkbox"/> |
| g. The parties had discussed settlement prior to the mediation conference. | <input type="checkbox"/> | <input type="checkbox"/> |
| h. My client wanted to maintain a long-standing relationship with the opposing party. | <input type="checkbox"/> | <input type="checkbox"/> |
| i. My client wished to keep this case out of the | | |

public eye. [] []

8. The questions below ask about the administration of the mediation program in this case.

Please check one response for each statement. Yes No

- | | | |
|---|-----|-----|
| a. Did you receive timely notice of the date of the mediation conference? | [] | [] |
| b. Did you receive adequate information about the time and location of the conference? | [] | [] |
| c. Were you adequately informed about the purpose of the conference and your responsibilities regarding it? | [] | [] |
| d. Were your scheduling constraints, if any, adequately taken into account? | [] | [] |
| e. Was the location of the conference convenient for you? | [] | [] |
| f. Were you satisfied with the mediation selection process? | [] | [] |
| g. Do you think the mediation fee reasonable for the services received? | [] | [] |

9. The following questions ask about your experience in mediation programs and your general view toward such programs.

- a. Including this case, approximately how many of your cases have been referred to the Mediation Program in this district? _____ cases
- b. In how many of these cases was a mediation conference actually held? _____ cases
- c. In how many cases have you employed private ADR methods?
- | | |
|-------------------------------|-------------|
| (1) Mediation: | _____ cases |
| (2) Arbitration: | _____ cases |
| (3) Early Neutral Evaluation: | _____ cases |
| (4) Summary Jury Trial: | _____ cases |

Please check one response for each statement.

Yes No

- | | | |
|---|-----|-----|
| d. Have you served as a mediator in the Western District of Tennessee's mediation program? | [] | [] |
| e. Have you served as counsel or mediator in a court-annexed mediation program in another federal or state court? | [] | [] |
| f. In general, do you approve of court-annexed mediation program? | [] | [] |
| g. Do you approve of the Mediation Program in the Western District of Tennessee? | [] | [] |
| h. Are you interested in becoming a mediator in this mediation program? | [] | [] |